



Reprinted  
February 18, 2009

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## HOUSE BILL No. 1468

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DIGEST OF HB 1468 (Updated February 17, 2009 10:16 am - DI 69)

**Citations Affected:** IC 11-13; IC 15-17; IC 15-21; IC 25-38.1; IC 35-33; IC 35-38; IC 35-46; noncode.

**Synopsis:** Animal cruelty and commercial dog breeders. Authorizes the court, as a condition of bail or parole, or the parole board, as a condition of parole, to prohibit a person from owning, harboring, or training an animal, and, if the person is prohibited from having direct or indirect contact with an individual, from having direct or indirect contact with any animal belonging to the individual. Establishes commercial dog breeder regulations including: (1) requiring commercial dog breeders to register with the state board of animal health; and (2) establishing standards for premises where dogs are kept and conditions in which dogs are kept. Requires commercial dog breeders to refund the purchase price of a dog sold by the breeder to a purchaser under certain circumstances. Requires pet dealers to maintain certain records. Provides that a veterinarian or registered veterinary technician may report a suspected incident of animal cruelty under the law concerning offenses relating to animals to a law enforcement officer. Provides that a person neglects an animal if the person fails to provide reasonable medical care for an animal's injury or illness. Broadens the definition of torturing an animal by administering poison by applying the definition to all vertebrate animals. (Current law applies only to dogs or cats.) Makes abandoning (Continued next page)

**Effective:** July 1, 2009.

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**Lawson L, Van Haaften, Walorski,  
Torr**

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January 14, 2009, read first time and referred to Committee on Courts and Criminal Code.  
February 12, 2009, amended, reported — Do Pass.  
February 17, 2009, read second time, amended, ordered engrossed.

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HB 1468—LS 7089/DI 106+



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or neglecting an animal a Class A misdemeanor, and enhances the penalty to a Class D felony if the person has a prior conviction. Makes it killing a domestic animal, a Class A misdemeanor, for a person to knowingly or intentionally kill a domestic animal without the consent of the owner of the domestic animal. Makes the offense a Class D felony if the person knew or reasonably should have known the domestic animal was located on real property that was owned by: (1) the owner of the domestic animal; or (2) a person who keeps domestic animals on the real property for the purpose of breeding, boarding, or training domestic animals.

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Reprinted  
February 18, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1468

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 11-13-3-4, AS AMENDED BY P.L.46-2008,  
2 SECTION 1, AND AS AMENDED BY P.L.119-2008, SECTION 10,  
3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A condition to remaining on  
5 parole is that the parolee not commit a crime during the period of  
6 parole.  
7 (b) The parole board may also adopt, under IC 4-22-2, additional  
8 conditions to remaining on parole and require a parolee to satisfy one  
9 (1) or more of these conditions. These conditions must be reasonably  
10 related to the parolee's successful reintegration into the community and  
11 not unduly restrictive of a fundamental right.  
12 (c) If a person is released on parole, the parolee shall be given a  
13 written statement of the conditions of parole. Signed copies of this  
14 statement shall be:  
15 (1) retained by the parolee;  
16 (2) forwarded to any person charged with the parolee's  
17 supervision; and

HB 1468—LS 7089/DI 106+



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1 (3) placed in the parolee's master file.

2 (d) The parole board may modify parole conditions if the parolee  
3 receives notice of that action and had ten (10) days after receipt of the  
4 notice to express the parolee's views on the proposed modification.  
5 This subsection does not apply to modification of parole conditions  
6 after a revocation proceeding under section 10 of this chapter.

7 (e) As a condition of parole, the parole board may require the  
8 parolee to reside in a particular parole area. In determining a parolee's  
9 residence requirement, the parole board shall:

10 (1) consider:

11 (A) the residence of the parolee prior to the parolee's  
12 incarceration; and

13 (B) the parolee's place of employment; and

14 (2) assign the parolee to reside in the county where the parolee  
15 resided prior to the parolee's incarceration unless assignment on  
16 this basis would be detrimental to the parolee's successful  
17 reintegration into the community.

18 (f) As a condition of parole, the parole board may require the  
19 parolee to:

20 (1) periodically undergo a laboratory chemical test (as defined in  
21 IC 14-15-8-1) or series of tests to detect and confirm the presence  
22 of a controlled substance (as defined in IC 35-48-1-9); and

23 (2) have the results of any test under this subsection reported to  
24 the parole board by the laboratory.

25 The parolee is responsible for any charges resulting from a test  
26 required under this subsection. However, a person's parole may not be  
27 revoked on the basis of the person's inability to pay for a test under this  
28 subsection.

29 (g) As a condition of parole, the parole board:

30 (1) may require a parolee who is a sex offender (as defined in  
31 IC 11-8-8-4.5) to:

32 (A) participate in a treatment program for sex offenders  
33 approved by the parole board; and

34 (B) avoid contact with any person who is less than sixteen (16)  
35 years of age unless the parolee:

36 (i) receives the parole board's approval; or

37 (ii) successfully completes the treatment program referred to  
38 in clause (A); and

39 (2) shall:

40 (A) require a parolee who is a sex or violent offender (as  
41 defined in IC 11-8-8-5) to register with a local law  
42 enforcement authority under IC 11-8-8;

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(B) prohibit a parolee who is a sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, unless the sex offender obtains written approval from the parole board;

(C) prohibit a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense unless the sex offender obtains a waiver under IC 35-38-2-2.5;

*and*

(D) prohibit a parolee who is a sex offender from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age;

(E) require a parolee who is a sex offender to consent:

(i) to the search of the sex offender's personal computer at any time; and

(ii) to the installation on the sex offender's personal computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage; and

(F) prohibit the sex offender from:

(i) accessing or using certain web sites, chat rooms, or instant messaging programs frequented by children; and

(ii) deleting, erasing, or tampering with information on the sex offender's personal computer with intent to conceal an activity prohibited by item (i).

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) or a sex offender who is an offender against children under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the sex offender obtains a waiver under IC 35-38-2-2.5.

(i) As a condition of parole, the parole board may require a parolee to participate in a reentry court program.

(j) As a condition of parole, the parole board:

(1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and

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(2) may require a parolee who is a sex or violent offender (as defined in IC 11-8-8-5);  
to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.

(k) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

**(l) As a condition of parole, the parole board may prohibit a parolee from owning, harboring, or training an animal, and, if the parole board prohibits a parolee from having direct or indirect contact with an individual, the parole board may also prohibit the parolee from having direct or indirect contact with any animal belonging to the individual.**

~~(j)~~ **(m)** *A parolee may be responsible for the reasonable expenses, as determined by the department, of the parolee's participation in a treatment or other program required as a condition of parole under this section. However, a person's parole may not be revoked solely on the basis of the person's inability to pay for a program required as a condition of parole under this section.*

SECTION 2. IC 15-17-3-13, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. In addition to the powers and duties given the board in this article and by law, the board has the powers and duties reasonable and necessary to do the following:

(1) Provide for the quarantine of animals and objects to prevent, control, and eradicate diseases and pests of animals.

(2) Develop, adopt, and implement programs and procedures for establishing and maintaining accredited, certified, validated, or designated disease or pest free or disease or pest monitored animals, herds, flocks, or areas, including the following:

(A) The establishment and maintenance of herds that are monitored for disease or pest syndromes.

(B) The establishment and maintenance of certified or validated brucellosis free herds, animals, and areas.

(C) The establishment and maintenance of accredited tuberculosis free herds, animals, and areas.

(3) Develop, adopt, and implement programs and plans for the prevention, detection, control, and eradication of diseases and pests of animals.

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(4) Control or prohibit, by permit or other means, the movement and transportation into, out of, or within Indiana of animals and objects in order to prevent, detect, control, or eradicate diseases and pests of animals. When implementing controls or prohibitions the board may consider whether animals or objects are diseased, suspected to be diseased, or under quarantine, or whether the animals or objects originated from a country, a state, an area, or a premises that is known or suspected to harbor animals or objects infected with or exposed to a disease or pest of animals.

(5) Control or prohibit the public and private sale of animals and objects in order to prevent the spread of disease and pests of animals.

(6) Control the use, sanitation, and disinfection of:

(A) public stockyards; and

(B) vehicles used to transport animals and objects into and within Indiana;

to accomplish the objectives of this article.

(7) Control the use, sanitation, and disinfection of premises, facilities, and equipment to accomplish the objectives of this article.

(8) Control the movement of animals and objects to, from, and within premises where diseases or pests of animals may exist.

(9) Control the movement and disposal of carcasses of animals and objects.

(10) Control the manufacture, sale, storage, distribution, handling, and use of serums, vaccines, and other biologics and veterinary drugs, except those drugs for human consumption regulated under IC 16-42-19, to be used for the prevention, detection, control, and eradication of disease and pests of animals.

(11) Control and prescribe the means, methods, and procedures for the vaccination or other treatment of animals and objects and the conduct of tests for diseases and pests of animals.

(12) Develop, adopt, and implement plans and programs for the identification of animals, objects, premises, and means of conveyances. Plans and programs may include identification:

(A) of animals or objects that have been condemned under this article; and

(B) related to classification as to disease, testing, vaccination, or treatment status.

(13) Establish the terms and method of appraisal or other determination of value of animals and objects condemned under this article, the payment of any indemnities that may be provided

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for the animals and objects, and the regulation of the sale or other disposition of the animals or objects.

(14) Control the sale of baby chicks.

(15) Cooperate and enter into agreements with the appropriate departments and agencies of this state, any other state, or the federal government to prevent, detect, control, and eradicate diseases and pests of animals.

(16) Control or prohibit the movement and transportation into, out of, or within Indiana of wild animals, including birds, that might carry or disseminate diseases or pests of animals.

(17) Provide for condemning or abating conditions that cause, aggravate, spread, or harbor diseases or pests of animals.

(18) Establish and designate, in addition to the animal disease diagnostic laboratory under IC 21-46-3-1, other laboratories necessary to make tests of any nature for diseases and pests of animals.

(19) Investigate, develop, and implement the best methods for the prevention, detection, control, suppression, or eradication of diseases and pests of animals.

(20) Investigate, gather, and compile information concerning the organization, business conduct, practices, and management of any registrant, licensee, permittee, applicant for a license, or applicant for a permit.

(21) Investigate allegations of unregistered, unlicensed, and unpermitted activities.

(22) Institute legal action in the name of the state of Indiana necessary to enforce:

(A) the board's orders and rules; and

(B) this article.

(23) Control the collection, transportation, and cooking of garbage to be fed to swine or other animals and all matters of sanitation relating to the collection, transportation, and cooking of garbage affecting the health of swine or other animals and affecting public health and comfort.

(24) Adopt an appropriate seal.

(25) Issue orders as an aid to enforcement of the powers granted by this article, IC 15-18-1, and IC 15-19-6.

(26) Control disposal plants and byproducts collection services and all matters connected to disposal plants and byproducts collection services.

(27) Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of

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- 1 slaughter as a result of treatment or exposure; and  
 2 (B) are found by the board to be or have the potential of being  
 3 injurious to the health of animals or humans.  
 4 (28) Regulate the production, manufacture, processing, and  
 5 distribution of products derived from animals to control health  
 6 hazards that may threaten:  
 7 (A) animal health;  
 8 (B) the public health and welfare of the citizens of Indiana;  
 9 and  
 10 (C) the trade in animals and animal products in and from  
 11 Indiana.  
 12 (29) Cooperate and coordinate with local, state, and federal  
 13 emergency management agencies to plan and implement disaster  
 14 emergency plans and programs as the plans and programs relate  
 15 to animals in Indiana.  
 16 (30) Assist law enforcement agencies investigating allegations of  
 17 cruelty and neglect of animals.  
 18 (31) Assist organizations that represent livestock producers with  
 19 issues and programs related to the care of livestock.  
 20 **(32) Establish an electronic registry of commercial dog**  
 21 **breeders in Indiana.**  
 22 SECTION 3. IC 15-21 IS ADDED TO THE INDIANA CODE AS  
 23 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 24 2009]:  
 25 **ARTICLE 21. COMMERCIAL DOG BREEDER**  
 26 **REGULATION**  
 27 **Chapter 1. Application and Definitions**  
 28 **Sec. 1. (a) This article does not apply to an animal shelter,**  
 29 **humane society, or animal rescue operation.**  
 30 **(b) As used in this section, "animal rescue operation" means a**  
 31 **person or organization that accepts within a year:**  
 32 **(1) more than twelve (12) dogs; or**  
 33 **(2) more than nine (9) dogs and more than three (3) unweaned**  
 34 **litters of puppies;**  
 35 **that are available for adoption for human companionship as pets**  
 36 **or as companion animals in permanent adoptive homes and that**  
 37 **are maintained in a private residential dwelling or uses a system of**  
 38 **private residential dwellings as foster homes for the dogs. The term**  
 39 **does not include a person or organization that breeds dogs.**  
 40 **Sec. 2. The definitions in sections 3 through 8 of this chapter**  
 41 **apply throughout this article.**  
 42 **Sec. 3. "Board" refers to the Indiana state board of animal**

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health established by IC 15-17-3-1.

Sec. 4. "Commercial dog breeder" means a person who maintains adult female dogs that produce ten (10) or more litters in one (1) twelve (12) month period.

Sec. 5. "Person" means an individual, corporation, limited liability company, partnership, or other business entity.

Sec. 6. "Pest" means a pest, pathogen, or parasite that may cause illness to a dog.

Sec. 7. "Pet dealer" means any person, or the employee of a person, who:

- (1) engages in the sale of dogs to the public for profit; or
- (2) sells or offers for sale more than five (5) dogs in one (1) year.

Sec. 8. "Veterinarian" means an individual licensed as a veterinarian under IC 25-38.1.

#### Chapter 2. Commercial Dog Breeder Registration

Sec. 1. A person may not operate a commercial dog breeder operation without being registered as a commercial dog breeder with the board.

Sec. 2. A person who:

- (1) is registered as a commercial dog breeder; and
  - (2) operates a commercial dog breeder operation;
- shall indicate that the person is registered as a commercial dog breeder in a place clearly visible to the public.

Sec. 3. A person who knowingly or intentionally violates section 1 of this chapter commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the commercial dog breeder maintains more than thirty (30) dogs that are at least one (1) year of age and that have not been spayed or neutered.

#### Chapter 3. Renewal of a Registration

Sec. 1. (a) A person's registration as a commercial dog breeder expires after four (4) years.

(b) The board shall provide for electronic notice of the upcoming expiration of registration to each registrant at least sixty (60) days before the expiration of the four (4) year period.

#### Chapter 4. Duties of Commercial Dog Breeders

Sec. 1. A commercial dog breeder shall do the following:

- (1) Maintain sanitary conditions of the premises where dogs are present.
- (2) Maintain and use equipment for the care of the dogs in a manner to ensure the proper storage and disposal of:
  - (A) waste; and

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(B) any disease contaminated material;  
to control vermin, insects, the spread of pests or disease, and  
obnoxious odors.

(3) Use effective control measures to prevent infestation of the  
dogs and premises from external pests and vermin.

(4) Provide and maintain natural or artificial illumination in  
all areas where dogs are kept. The illumination must be  
adequate to provide efficient inspection and cleaning of the  
dogs, premises, enclosures, and cages. Cages and enclosures  
that are in use must be placed in a manner to protect each dog  
from excessive or stressful illumination.

(5) Provide sufficient mechanical ventilation to:

(A) minimize drafts, offensive odors, and moisture  
condensation; and

(B) provide for the health and comfort of the dogs at all  
times.

(6) Ensure that each dog that is at least twelve (12) weeks of  
age has access to an exercise area every day for at least one  
(1) hour. The commercial dog breeder shall comply with the  
following requirements:

(A) The exercise area must allow for unfettered clearance  
for dogs from their primary enclosure.

(B) The exercise area must be at least two (2) times the size  
of the primary enclosure.

(C) The exercise area fencing must be kept in good repair  
and be free of rust, jagged edges, or other defects that  
could cause injury to a dog.

(D) The exercise area must be cleaned at least daily or  
more often if necessary to prevent accumulation of debris  
and waste and to reduce disease hazards, insects, pests, and  
odors.

(E) The exercise area must have ground that is solid and  
maintainable. Exercise areas may use gravel, packed earth,  
and grass.

(F) A nursing female dog and the dog's puppies may not be  
placed in a run with other adult dogs.

(7) Refrain from hiring a staff member who has been  
convicted of a misdemeanor or felony under IC 35-46-3.

Sec. 2. A commercial dog breeder shall provide enclosures for  
the dogs that conform to the following requirements:

(1) The enclosure is suited for the breed of dog.

(2) The enclosure is constructed to enable the dog to remain

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clean and dry.

(3) The enclosure is maintained in a manner to prevent the dog's injury or escape.

(4) The walls and floor of the enclosure are constructed of nonabsorbent, nonporous materials. However, wire flooring may not be used.

Sec. 3. A commercial dog breeder shall ensure that each dog's enclosure is cleaned and disinfected to maintain a sanitary condition.

Sec. 4. A commercial dog breeder shall ensure that the dog is provided with sufficient food and water at an interval appropriate to the dog.

Sec. 5. A commercial dog breeder may not display, offer for sale, sell, or exchange a dog with obvious signs of infection, disease, or illness.

Sec. 6. If a commercial dog breeder offers a dog for sale, the commercial dog breeder shall clearly post a sign that states the following:

"THE FOLLOWING INFORMATION IS ALWAYS AVAILABLE ON ALL OF OUR DOGS AND PUPPIES: THE ANIMAL'S DATE OF BIRTH; CITY/TOWN AND STATE OF BIRTH; THE DATE (insert name of the commercial dog breeder) RECEIVED THE ANIMAL; THE ANIMAL'S COMPLETE VACCINATION, DEWORMING, MEDICATION, AND TREATMENT RECORDS; AND THE ANIMAL'S 15 DAY WARRANTY".

Sec. 7. (a) A commercial dog breeder shall provide a full refund of the purchase price of the dog to the purchaser of a dog who:

(1) either:

(A) not more than fifteen (15) days after the sale of the dog, has the dog examined by the purchaser's veterinarian, and the veterinary examination indicates that the dog is diseased; or

(B) not more than one (1) year after the sale of the dog, has the dog examined by the purchaser's veterinarian, and the veterinary examination indicates that the dog has a congenital disorder; and

(2) not more than four (4) business days after the date of the veterinarian's examination:

(A) returns the dog to the commercial dog breeder;

(B) presents the veterinarian's written statement that the dog is diseased or has a congenital disorder; and

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(C) presents the proof of sale of the dog.  
 The purchaser may choose to accept an equivalent dog instead of a refund, at the sole discretion of the purchaser.

(b) The commercial dog breeder shall reimburse the purchaser of a dog returned under subsection (a) for reasonable veterinary bills for the diagnosis and treatment of the dog. The amount of reimbursement under this subsection may not exceed the original purchase price of the dog.

Sec. 8. A commercial dog breeder may not do any of the following:

(1) Maintain at a single address or location more than thirty (30) dogs that are at least one (1) year of age and that have not been spayed or neutered.

(2) Breed a female dog unless the dog:

(A) has a current annual certification from a licensed veterinarian that the dog is in suitable health for breeding;

(B) is at least eighteen (18) months of age; and

(C) is less than eight (8) years of age.

(3) Permit a female dog to whelp more than one (1) litter per year.

#### Chapter 5. Records

Sec. 1. A commercial dog breeder shall provide a consumer with:

(1) a copy of a dog's vaccination, medication, and treatment records; and

(2) a notice of the fifteen (15) day warranty;

at the time a consumer purchases, exchanges, or adopts the dog.

Sec. 2. A commercial dog breeder shall maintain its records for at least five (5) years.

#### Chapter 6. Units

Sec. 1. (a) As used in this section, "unit" has the meaning set forth in IC 36-1-2-23.

(b) A unit may adopt an ordinance concerning regulation of commercial dog breeders that imposes more stringent or detailed requirements than the requirements under this article.

(c) A unit may not enforce an ordinance concerning the regulation of commercial dog breeders that contains requirements less stringent or detailed than the requirements under this article.

#### Chapter 7. Pet Dealers

Sec. 1. A pet dealer must maintain a log containing the:

(1) name;

(2) address;

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1           (3) city; and  
 2           (4) state;  
 3 of the breeder and broker, if applicable, that provided each puppy  
 4 sold by the pet dealer. The pet dealer must retain the log for at  
 5 least two (2) years.

6       **Sec. 2. A pet dealer must maintain veterinary records of every**  
 7 **animal sold by the pet dealer. The pet dealer must retain the**  
 8 **veterinary records of every animal sold or offered for sale by the**  
 9 **pet dealer for at least two (2) years.**

10       **Sec. 3. A pet dealer shall make the breeder log described in**  
 11 **section 1 of this chapter available to law enforcement officials.**

12       **Sec. 4. A pet dealer shall make the veterinary records described**  
 13 **in section 2 of this chapter available to purchasers or prospective**  
 14 **purchasers.**

15       SECTION 4. IC 25-38.1-4-8.3 IS ADDED TO THE INDIANA  
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2009]: **Sec. 8.3. A veterinarian or registered**  
 18 **veterinary technician may report a suspected incident of animal**  
 19 **cruelty under IC 35-46-3 to a law enforcement officer.**

20       SECTION 5. IC 25-38.1-4-8.5, AS ADDED BY P.L.58-2008,  
 21 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2009]: Sec. 8.5. A veterinarian or registered veterinary  
 23 technician who reports in good faith and in the normal course of  
 24 business a suspected incident of animal cruelty under ~~IC 35-46-3-12~~  
 25 **IC 35-46-3** to a law enforcement officer is immune from liability in any  
 26 civil or criminal action brought for reporting the incident.

27       SECTION 6. IC 35-33-8-3.2, AS AMENDED BY P.L.104-2008,  
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2009]: Sec. 3.2. (a) A court may admit a defendant to bail and  
 30 impose any of the following conditions to assure the defendant's  
 31 appearance at any stage of the legal proceedings, or, upon a showing  
 32 of clear and convincing evidence that the defendant poses a risk of  
 33 physical danger to another person or the community, to assure the  
 34 public's physical safety:

- 35       (1) Require the defendant to:
- 36           (A) execute a bail bond with sufficient solvent sureties;
  - 37           (B) deposit cash or securities in an amount equal to the bail;
  - 38           (C) execute a bond secured by real estate in the county, where
  - 39           thirty-three hundredths (0.33) of the true tax value less
  - 40           encumbrances is at least equal to the amount of the bail;
  - 41           (D) post a real estate bond; or
  - 42           (E) perform any combination of the requirements described in

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- 1 clauses (A) through (D).  
 2 If the court requires the defendant to deposit cash or cash and  
 3 another form of security as bail, the court may require the  
 4 defendant and each person who makes the deposit on behalf of the  
 5 defendant to execute an agreement that allows the court to retain  
 6 all or a part of the cash to pay publicly paid costs of  
 7 representation and fines, costs, fees, and restitution that the court  
 8 may order the defendant to pay if the defendant is convicted. The  
 9 defendant must also pay the fee required by subsection (d).  
 10 (2) Require the defendant to execute:  
 11 (A) a bail bond by depositing cash or securities with the clerk  
 12 of the court in an amount not less than ten percent (10%) of  
 13 the bail; and  
 14 (B) an agreement that allows the court to retain all or a part of  
 15 the cash or securities to pay fines, costs, fees, and restitution  
 16 that the court may order the defendant to pay if the defendant  
 17 is convicted.  
 18 A portion of the deposit, not to exceed ten percent (10%) of the  
 19 monetary value of the deposit or fifty dollars (\$50), whichever is  
 20 the lesser amount, may be retained as an administrative fee. The  
 21 clerk shall also retain from the deposit under this subdivision  
 22 fines, costs, fees, and restitution as ordered by the court, publicly  
 23 paid costs of representation that shall be disposed of in  
 24 accordance with subsection (b), and the fee required by  
 25 subsection (d). In the event of the posting of a real estate bond,  
 26 the bond shall be used only to insure the presence of the  
 27 defendant at any stage of the legal proceedings, but shall not be  
 28 foreclosed for the payment of fines, costs, fees, or restitution. The  
 29 individual posting bail for the defendant or the defendant  
 30 admitted to bail under this subdivision must be notified by the  
 31 sheriff, court, or clerk that the defendant's deposit may be  
 32 forfeited under section 7 of this chapter or retained under  
 33 subsection (b).  
 34 (3) Impose reasonable restrictions on the activities, movements,  
 35 associations, and residence of the defendant during the period of  
 36 release.  
 37 (4) Require the defendant to refrain from any direct or indirect  
 38 contact with an individual **and, if applicable, any animal**  
 39 **belonging to the individual**, including if the defendant has not  
 40 been released from lawful detention.  
 41 (5) Place the defendant under the reasonable supervision of a  
 42 probation officer, pretrial services agency, or other appropriate

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public official. If the court places the defendant under the supervision of a probation officer or pretrial services agency, the court shall determine whether the defendant must pay the pretrial services fee under section 3.3 of this chapter.

(6) Release the defendant into the care of a qualified person or organization responsible for supervising the defendant and assisting the defendant in appearing in court. The supervisor shall maintain reasonable contact with the defendant in order to assist the defendant in making arrangements to appear in court and, where appropriate, shall accompany the defendant to court. The supervisor need not be financially responsible for the defendant.

(7) Release the defendant on personal recognizance unless:

(A) the state presents evidence relevant to a risk by the defendant:

(i) of nonappearance; or

(ii) to the physical safety of the public; and

(B) the court finds by a preponderance of the evidence that the risk exists.

**(8) Require the defendant to refrain from owning, harboring, or training an animal.**

~~(8)~~ (9) Impose any other reasonable restrictions designed to assure the defendant's presence in court or the physical safety of another person or the community.

(b) Within thirty (30) days after disposition of the charges against the defendant, the court that admitted the defendant to bail shall order the clerk to remit the amount of the deposit remaining under subsection (a)(2) to the defendant. The portion of the deposit that is not remitted to the defendant shall be deposited by the clerk in the supplemental public defender services fund established under IC 33-40-3.

(c) For purposes of subsection (b), "disposition" occurs when the indictment or information is dismissed or the defendant is acquitted or convicted of the charges.

(d) Except as provided in subsection (e), the clerk of the court shall:

(1) collect a fee of five dollars (\$5) from each bond or deposit required under subsection (a)(1); and

(2) retain a fee of five dollars (\$5) from each deposit under subsection (a)(2).

The clerk of the court shall semiannually remit the fees collected under this subsection to the board of trustees of the public employees' retirement fund for deposit in the special death benefit fund. The fee required by subdivision (2) is in addition to the administrative fee retained under subsection (a)(2).

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(e) With the approval of the clerk of the court, the county sheriff may collect the bail posted under this section. The county sheriff shall remit the bail to the clerk of the court by the following business day and remit monthly the five dollar (\$5) special death benefit fee to the county auditor.

(f) When a court imposes a condition of bail described in subsection (a)(4):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 7. IC 35-38-2-2.3, AS AMENDED BY P.L.3-2008, SECTION 249, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.3. (a) As a condition of probation, the court may require a person to do a combination of the following:

(1) Work faithfully at suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment.

(2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.

(3) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.

(4) Support the person's dependents and meet other family responsibilities.

(5) Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.

(6) Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.

(7) Pay a fine authorized by IC 35-50.

(8) Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.

(9) Report to a probation officer at reasonable times as directed by the court or the probation officer.

(10) Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.

(11) Remain within the jurisdiction of the court, unless granted

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1 permission to leave by the court or by the person's probation  
2 officer.

3 (12) Answer all reasonable inquiries by the court or the person's  
4 probation officer and promptly notify the court or probation  
5 officer of any change in address or employment.

6 (13) Perform uncompensated work that benefits the community.

7 (14) Satisfy other conditions reasonably related to the person's  
8 rehabilitation.

9 (15) Undergo home detention under IC 35-38-2.5.

10 (16) Undergo a laboratory test or series of tests approved by the  
11 state department of health to detect and confirm the presence of  
12 the human immunodeficiency virus (HIV) antigen or antibodies  
13 to the human immunodeficiency virus (HIV), if:

14 (A) the person had been convicted of an offense relating to a  
15 criminal sexual act and the offense created an  
16 epidemiologically demonstrated risk of transmission of the  
17 human immunodeficiency virus (HIV); or

18 (B) the person had been convicted of an offense relating to a  
19 controlled substance and the offense involved:

20 (i) the delivery by any person to another person; or

21 (ii) the use by any person on another person;

22 of a contaminated sharp (as defined in IC 16-41-16-2) or other  
23 paraphernalia that creates an epidemiologically demonstrated  
24 risk of transmission of HIV by involving percutaneous contact.

25 (17) Refrain from any direct or indirect contact with an individual  
26 **and, if applicable, any animal belonging to the individual.**

27 (18) Execute a repayment agreement with the appropriate  
28 governmental entity or with a person for reasonable costs incurred  
29 because of the taking, detention, or return of a missing child (as  
30 defined in IC 10-13-5-4).

31 (19) Periodically undergo a laboratory chemical test (as defined  
32 in IC 14-15-8-1) or series of chemical tests as specified by the  
33 court to detect and confirm the presence of a controlled substance  
34 (as defined in IC 35-48-1-9). The person on probation is  
35 responsible for any charges resulting from a test and shall have  
36 the results of any test under this subdivision reported to the  
37 person's probation officer by the laboratory.

38 (20) If the person was confined in a penal facility, execute a  
39 reimbursement plan as directed by the court and make repayments  
40 under the plan to the authority that operates the penal facility for  
41 all or part of the costs of the person's confinement in the penal  
42 facility. The court shall fix an amount that:

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- 1 (A) may not exceed an amount the person can or will be able  
 2 to pay;  
 3 (B) does not harm the person's ability to reasonably be self  
 4 supporting or to reasonably support any dependent of the  
 5 person; and  
 6 (C) takes into consideration and gives priority to any other  
 7 restitution, reparation, repayment, or fine the person is  
 8 required to pay under this section.  
 9 (21) Refrain from owning, harboring, or training an animal.  
 10 (22) Participate in a reentry court program.  
 11 (b) When a person is placed on probation, the person shall be given  
 12 a written statement specifying:  
 13 (1) the conditions of probation; and  
 14 (2) that if the person violates a condition of probation during the  
 15 probationary period, a petition to revoke probation may be filed  
 16 before the earlier of the following:  
 17 (A) One (1) year after the termination of probation.  
 18 (B) Forty-five (45) days after the state receives notice of the  
 19 violation.  
 20 (c) As a condition of probation, the court may require that the  
 21 person serve a term of imprisonment in an appropriate facility at the  
 22 time or intervals (consecutive or intermittent) within the period of  
 23 probation the court determines.  
 24 (d) Intermittent service may be required only for a term of not more  
 25 than sixty (60) days and must be served in the county or local penal  
 26 facility. The intermittent term is computed on the basis of the actual  
 27 days spent in confinement and shall be completed within one (1) year.  
 28 A person does not earn credit time while serving an intermittent term  
 29 of imprisonment under this subsection. When the court orders  
 30 intermittent service, the court shall state:  
 31 (1) the term of imprisonment;  
 32 (2) the days or parts of days during which a person is to be  
 33 confined; and  
 34 (3) the conditions.  
 35 (e) Supervision of a person may be transferred from the court that  
 36 placed the person on probation to a court of another jurisdiction, with  
 37 the concurrence of both courts. Retransfers of supervision may occur  
 38 in the same manner. This subsection does not apply to transfers made  
 39 under IC 11-13-4 or IC 11-13-5.  
 40 (f) When a court imposes a condition of probation described in  
 41 subsection (a)(17):  
 42 (1) the clerk of the court shall comply with IC 5-2-9; and

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(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

(g) As a condition of probation, a court shall require a person:

(1) convicted of an offense described in IC 10-13-6-10;

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(3) whose sentence does not involve a commitment to the department of correction;

to provide a DNA sample as a condition of probation.

SECTION 8. IC 35-46-3-0.5, AS ADDED BY P.L.171-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.5. The following definitions apply throughout this chapter:

(1) "Abandon" means to desert an animal or to leave the animal permanently in a place without making provision for adequate long term care of the animal. The term does not include leaving an animal in a place that is temporarily vacated for the protection of human life during a disaster.

(2) "Beat" means to unnecessarily or cruelly strike an animal, or to throw the animal against an object causing the animal to suffer severe pain or injury. The term does not include reasonable training or disciplinary techniques.

(3) "Mutilate" means to wound, injure, maim, or disfigure an animal by irreparably damaging the animal's body parts or to render any part of the animal's body useless. The term includes bodily injury involving:

(A) serious permanent disfigurement;

(B) serious temporary disfigurement;

(C) permanent or protracted loss or impairment of the function of a bodily part or organ; or

(D) a fracture.

(4) "Neglect" means to:

(A) endanger an animal's health by failing to provide the animal with food or drink, if the animal is dependent upon the person for the provision of food or drink; ~~or~~

(B) restrain an animal for more than a brief period **in a manner that endangers the animal's life or health;**

**(C) tether an animal** by the use of a rope, chain, or tether that:

(i) is less than three (3) times the length of the animal;

(ii) is too heavy to permit the animal to move freely; ~~or~~

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- 1 (iii) causes the animal to choke; or
- 2 (iv) restrains the animal in a manner that physically
- 3 harms the animal;
- 4 (D) fail to provide reasonable medical care for an animal's
- 5 injury or illness; or
- 6 (E) leave an animal outside exposed to:
- 7 (i) excessive heat without providing the animal with a
- 8 means of shade from the heat; or
- 9 (ii) excessive cold if the animal is not provided with straw
- 10 or another means of protection from the cold;
- 11 regardless of whether the animal is restrained or kept in a
- 12 kennel.
- 13 (5) "Torture" means:
- 14 (A) to inflict extreme physical pain or injury on an animal with
- 15 the sole intent of increasing or prolonging the animal's pain; or
- 16 (B) to administer poison to a ~~cat or dog~~ vertebrate animal or
- 17 expose a ~~cat or dog~~ vertebrate animal to a poisonous
- 18 substance with the intent that the ~~cat or dog~~ vertebrate
- 19 animal ingest the substance and suffer harm, pain, or physical
- 20 injury.
- 21 SECTION 9. IC 35-46-3-5, AS AMENDED BY P.L.2-2008,
- 22 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2009]: Sec. 5. (a) Except as provided in subsections (b)
- 24 through (c), this chapter does not apply to the following:
- 25 (1) Fishing, hunting, trapping, or other conduct authorized under
- 26 IC 14-22.
- 27 (2) Conduct authorized under IC 15-20-2.
- 28 (3) Veterinary practices authorized by standards adopted under
- 29 IC 25-38.1-2-14.
- 30 (4) Conduct authorized by a local ordinance.
- 31 (5) Acceptable farm management practices.
- 32 (6) Conduct authorized by IC 15-17-5, and rules adopted under
- 33 IC 15-17-5 for state or federally inspected livestock slaughtering
- 34 facilities.
- 35 (7) A research facility registered with the United States
- 36 Department of Agriculture under the federal Animal Welfare Act
- 37 (7 U.S.C. 2131 et seq.).
- 38 (8) Destruction of a vertebrate defined as a pest under
- 39 IC 15-16-5-24.
- 40 (9) Destruction of or injury to a fish.
- 41 (10) Destruction of a vertebrate animal that is:
- 42 (A) endangering, harassing, or threatening livestock or a

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domestic animal; or

(B) destroying or damaging a person's property.

**(11) Destruction of an animal by an animal control program, including an animal control facility, an animal shelter, or a humane society.**

(b) Section 1 of this chapter applies to conduct described in subsection (a).

(c) Destruction of an animal by electrocution is authorized under this section only if it is conducted by a person who is engaged in an acceptable farm management practice, by a research facility registered with the United States Department of Agriculture under the Animal Welfare Act, or for the animal disease diagnostic laboratory established under IC 21-46-3-1, a research facility licensed by the United States Department of Agriculture, a college, or a university.

SECTION 10. IC 35-46-3-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.4. (a) As used in this chapter, "domestic animal" means an animal that is not wild.**

**(b) The term is limited to:**

- (1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, emus, or other birds;**
- (2) an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, avian, camelid, cervidae, or bison species; or**
- (3) an aquatic animal that may be the subject of aquaculture (as defined in IC 15-11-7-1).**

SECTION 11. IC 35-46-3-7, AS AMENDED BY P.L.171-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 7. (a) A person who owns a vertebrate animal and who recklessly, knowingly, or intentionally abandons or neglects the animal commits cruelty to an animal, a ~~Class B misdemeanor~~. **Class A misdemeanor. However, except for a conviction under section 1 of this chapter, the offense is a Class D felony if the person has a prior unrelated conviction under this chapter.****

(b) It is a defense to a prosecution under this section that the owner reasonably believed that the vertebrate animal was capable of surviving on its own.

SECTION 12. IC 35-46-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 10. A person who knowingly or intentionally attends a fighting contest involving animals commits cruelty to an animal, a Class A misdemeanor. However, except for a conviction under section 1 of this chapter, the offense is a Class D felony if the person has a prior unrelated conviction**

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1 **under this chapter.**

2 SECTION 13. IC 35-46-3-12.3 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2009]: **Sec. 12.3. (a) A person who knowingly**  
5 **or intentionally kills a domestic animal without the consent of the**  
6 **owner of the domestic animal commits killing a domestic animal,**  
7 **a Class A misdemeanor.**

8 **(b) However, the offense described in subsection (a) is a Class D**  
9 **felony if the person knew or reasonably should have known that**  
10 **the domestic animal was located on real property that was owned**  
11 **by:**

12 **(1) the owner of the domestic animal; or**

13 **(2) a person who keeps domestic animals on the real property**  
14 **for the purpose of breeding, boarding, or training domestic**  
15 **animals.**

16 **(c) It is a defense that the accused person reasonably believed**  
17 **the conduct was necessary to prevent injury to the accused person**  
18 **or another person.**

19 SECTION 14. [EFFECTIVE JULY 1, 2009] IC 35-46-3-0.5,  
20 IC 35-46-3-7, and IC 35-46-3-10, all as amended by this act, apply  
21 **only to crimes committed after June 30, 2009.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1468, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 2. IC 15-17-3-13, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. In addition to the powers and duties given the board in this article and by law, the board has the powers and duties reasonable and necessary to do the following:

- (1) Provide for the quarantine of animals and objects to prevent, control, and eradicate diseases and pests of animals.
- (2) Develop, adopt, and implement programs and procedures for establishing and maintaining accredited, certified, validated, or designated disease or pest free or disease or pest monitored animals, herds, flocks, or areas, including the following:
  - (A) The establishment and maintenance of herds that are monitored for disease or pest syndromes.
  - (B) The establishment and maintenance of certified or validated brucellosis free herds, animals, and areas.
  - (C) The establishment and maintenance of accredited tuberculosis free herds, animals, and areas.
- (3) Develop, adopt, and implement programs and plans for the prevention, detection, control, and eradication of diseases and pests of animals.
- (4) Control or prohibit, by permit or other means, the movement and transportation into, out of, or within Indiana of animals and objects in order to prevent, detect, control, or eradicate diseases and pests of animals. When implementing controls or prohibitions the board may consider whether animals or objects are diseased, suspected to be diseased, or under quarantine, or whether the animals or objects originated from a country, a state, an area, or a premises that is known or suspected to harbor animals or objects infected with or exposed to a disease or pest of animals.
- (5) Control or prohibit the public and private sale of animals and objects in order to prevent the spread of disease and pests of animals.
- (6) Control the use, sanitation, and disinfection of:
  - (A) public stockyards; and
  - (B) vehicles used to transport animals and objects into and

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- within Indiana;  
to accomplish the objectives of this article.
- (7) Control the use, sanitation, and disinfection of premises, facilities, and equipment to accomplish the objectives of this article.
- (8) Control the movement of animals and objects to, from, and within premises where diseases or pests of animals may exist.
- (9) Control the movement and disposal of carcasses of animals and objects.
- (10) Control the manufacture, sale, storage, distribution, handling, and use of serums, vaccines, and other biologics and veterinary drugs, except those drugs for human consumption regulated under IC 16-42-19, to be used for the prevention, detection, control, and eradication of disease and pests of animals.
- (11) Control and prescribe the means, methods, and procedures for the vaccination or other treatment of animals and objects and the conduct of tests for diseases and pests of animals.
- (12) Develop, adopt, and implement plans and programs for the identification of animals, objects, premises, and means of conveyances. Plans and programs may include identification:
- (A) of animals or objects that have been condemned under this article; and
  - (B) related to classification as to disease, testing, vaccination, or treatment status.
- (13) Establish the terms and method of appraisal or other determination of value of animals and objects condemned under this article, the payment of any indemnities that may be provided for the animals and objects, and the regulation of the sale or other disposition of the animals or objects.
- (14) Control the sale of baby chicks.
- (15) Cooperate and enter into agreements with the appropriate departments and agencies of this state, any other state, or the federal government to prevent, detect, control, and eradicate diseases and pests of animals.
- (16) Control or prohibit the movement and transportation into, out of, or within Indiana of wild animals, including birds, that might carry or disseminate diseases or pests of animals.
- (17) Provide for condemning or abating conditions that cause, aggravate, spread, or harbor diseases or pests of animals.
- (18) Establish and designate, in addition to the animal disease diagnostic laboratory under IC 21-46-3-1, other laboratories necessary to make tests of any nature for diseases and pests of

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animals.

(19) Investigate, develop, and implement the best methods for the prevention, detection, control, suppression, or eradication of diseases and pests of animals.

(20) Investigate, gather, and compile information concerning the organization, business conduct, practices, and management of any registrant, licensee, permittee, applicant for a license, or applicant for a permit.

(21) Investigate allegations of unregistered, unlicensed, and unpermitted activities.

(22) Institute legal action in the name of the state of Indiana necessary to enforce:

(A) the board's orders and rules; and

(B) this article.

(23) Control the collection, transportation, and cooking of garbage to be fed to swine or other animals and all matters of sanitation relating to the collection, transportation, and cooking of garbage affecting the health of swine or other animals and affecting public health and comfort.

(24) Adopt an appropriate seal.

(25) Issue orders as an aid to enforcement of the powers granted by this article, IC 15-18-1, and IC 15-19-6.

(26) Control disposal plants and byproducts collection services and all matters connected to disposal plants and byproducts collection services.

(27) Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of slaughter as a result of treatment or exposure; and

(B) are found by the board to be or have the potential of being injurious to the health of animals or humans.

(28) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten:

(A) animal health;

(B) the public health and welfare of the citizens of Indiana; and

(C) the trade in animals and animal products in and from Indiana.

(29) Cooperate and coordinate with local, state, and federal emergency management agencies to plan and implement disaster emergency plans and programs as the plans and programs relate to animals in Indiana.

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(30) Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.

(31) Assist organizations that represent livestock producers with issues and programs related to the care of livestock.

**(32) Establish an electronic registry of commercial dog breeders in Indiana.**

SECTION 3. IC 15-21 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

**ARTICLE 21. COMMERCIAL DOG BREEDER REGULATION**

**Chapter 1. Application and Definitions**

**Sec. 1. (a) This article does not apply to an animal shelter, humane society, or animal rescue operation.**

**(b) As used in this section, "animal rescue operation" means a person or organization that accepts within a year:**

**(1) more than twelve (12) dogs; or**

**(2) more than nine (9) dogs and more than three (3) unweaned litters of puppies;**

**that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling or uses a system of private residential dwellings as foster homes for the dogs. The term does not include a person or organization that breeds dogs.**

**Sec. 2. The definitions in sections 3 through 8 of this chapter apply throughout this article.**

**Sec. 3. "Board" refers to the Indiana state board of animal health established by IC 15-17-3-1.**

**Sec. 4. "Commercial dog breeder" means a person who maintains adult female dogs that produce ten (10) or more litters in one (1) twelve (12) month period.**

**Sec. 5. "Person" means an individual, corporation, limited liability company, partnership, or other business entity.**

**Sec. 6. "Pest" means a pest, pathogen, or parasite that may cause illness to a dog.**

**Sec. 7. "Pet dealer" means any person, or the employee of a person, who:**

**(1) engages in the sale of dogs to the public for profit; or**

**(2) sells or offers for sale more than five (5) dogs in one (1) year.**

**Sec. 8. "Veterinarian" means an individual licensed as a veterinarian under IC 25-38.1.**

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## **Chapter 2. Commercial Dog Breeder Registration**

**Sec. 1.** A person may not operate a commercial dog breeder operation without being registered as a commercial dog breeder with the board.

**Sec. 2.** A person who:

(1) is registered as a commercial dog breeder; and

(2) operates a commercial dog breeder operation;

shall indicate that the person is registered as a commercial dog breeder in a place clearly visible to the public.

**Sec. 3.** A person who knowingly or intentionally violates section 1 of this chapter commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the commercial dog breeder maintains more than thirty (30) dogs that are at least one (1) year of age and that have not been spayed or neutered.

## **Chapter 3. Renewal of a Registration**

**Sec. 1. (a)** A person's registration as a commercial dog breeder expires after four (4) years.

(b) The board shall provide for electronic notice of the upcoming expiration of registration to each registrant at least sixty (60) days before the expiration of the four (4) year period.

## **Chapter 4. Duties of Commercial Dog Breeders**

**Sec. 1.** A commercial dog breeder shall do the following:

(1) Maintain sanitary conditions of the premises where dogs are present.

(2) Maintain and use equipment for the care of the dogs in a manner to ensure the proper storage and disposal of:

(A) waste; and

(B) any disease contaminated material;

to control vermin, insects, the spread of pests or disease, and obnoxious odors.

(3) Use effective control measures to prevent infestation of the dogs and premises from external pests and vermin.

(4) Provide and maintain natural or artificial illumination in all areas where dogs are kept. The illumination must be adequate to provide efficient inspection and cleaning of the dogs, premises, enclosures, and cages. Cages and enclosures that are in use must be placed in a manner to protect each dog from excessive or stressful illumination.

(5) Provide a sufficiently heated structure to protect the dogs from the cold and to provide for their health and comfort at all times. Except for dogs that require a higher temperature, the temperature of the structure must be at least sixty-five

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(65) degrees Fahrenheit and not more than seventy-eight (78) degrees Fahrenheit.

(6) Provide sufficient mechanical ventilation to:

(A) minimize drafts, offensive odors, and moisture condensation; and

(B) provide for the health and comfort of the dogs at all times.

(7) Ensure that each dog that is at least twelve (12) weeks of age has access to an exercise area every day for at least one (1) hour. The commercial dog breeder shall comply with the following requirements:

(A) The exercise area must allow for unfettered clearance for dogs from their primary enclosure.

(B) The exercise area must be at least two (2) times the size of the primary enclosure.

(C) The exercise area fencing must be kept in good repair and be free of rust, jagged edges, or other defects that could cause injury to a dog.

(D) The exercise area must be cleaned at least daily or more often if necessary to prevent accumulation of debris and waste and to reduce disease hazards, insects, pests, and odors.

(E) The exercise area must have ground that is solid and maintainable. Exercise areas may use gravel, packed earth, and grass.

(F) A nursing female dog and the dog's puppies may not be placed in a run with other adult dogs.

(8) Implant a microchip in every dog on the premises and all of the puppies that are sold, and ensure that the microchips are registered.

(9) Refrain from hiring a staff member who has been convicted of a misdemeanor or felony under IC 35-46-3.

Sec. 2. A commercial dog breeder shall provide enclosures for the dogs that conform to the following requirements:

(1) The enclosure is suited for the breed of dog.

(2) The enclosure is constructed to enable the dog to remain clean and dry.

(3) The enclosure is maintained in a manner to prevent the dog's injury or escape.

(4) The walls and floor of the enclosure are constructed of nonabsorbent, nonporous materials. However, wire flooring may not be used.

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**(5) The enclosure must meet the following floor space requirements:**

**(A) The minimum floor space for one (1) dog, in square feet, is determined as follows:**

**STEP ONE: Measure dog from tip of nose to base of tail in inches.**

**STEP TWO: Add six (6) to the number determined in STEP ONE.**

**STEP THREE: Square the number determined in STEP TWO.**

**STEP FOUR: Divide the number determined in STEP THREE by one hundred forty-four (144).**

**STEP FIVE: Multiply the number determined in STEP FOUR by two (2).**

**(B) The minimum floor space for two (2) or more dogs, in square feet, where "n" is the total number of dogs more than two (2) dogs, is determined as follows:**

**STEP ONE: Determine the minimum floor space under clause (A) for the longest dog.**

**STEP TWO: Multiply the number determined in STEP ONE by two (2).**

**STEP THREE: Multiply the number determined in STEP ONE by 1.5n.**

**STEP FOUR: Add the STEP TWO result to the STEP THREE result.**

**Sec. 3. A commercial dog breeder shall ensure that each dog's enclosure is cleaned and disinfected to maintain a sanitary condition.**

**Sec. 4. A commercial dog breeder shall ensure that the dog is provided with sufficient food and water at an interval appropriate to the dog.**

**Sec. 5. A commercial dog breeder may not display, offer for sale, sell, or exchange a dog with obvious signs of infection, disease, or illness.**

**Sec. 6. If a commercial dog breeder offers a dog for sale, the commercial dog breeder shall clearly post a sign that states the following:**

**"THE FOLLOWING INFORMATION IS ALWAYS AVAILABLE ON ALL OF OUR DOGS AND PUPPIES: THE ANIMAL'S DATE OF BIRTH; CITY/TOWN AND STATE OF BIRTH; THE DATE (insert name of the commercial dog breeder) RECEIVED THE ANIMAL; THE ANIMAL'S**

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**COMPLETE VACCINATION, DEWORMING, MEDICATION, AND TREATMENT RECORDS; AND THE ANIMAL'S 15 DAY WARRANTY".**

**Sec. 7. (a) A commercial dog breeder shall provide a full refund of the purchase price of the dog to the purchaser of a dog who:**

**(1) either:**

**(A) not more than fifteen (15) days after the sale of the dog, has the dog examined by the purchaser's veterinarian, and the veterinary examination indicates that the dog is diseased; or**

**(B) not more than one (1) year after the sale of the dog, has the dog examined by the purchaser's veterinarian, and the veterinary examination indicates that the dog has a congenital disorder; and**

**(2) not more than four (4) business days after the date of the veterinarian's examination:**

**(A) returns the dog to the commercial dog breeder;**

**(B) presents the veterinarian's written statement that the dog is diseased or has a congenital disorder; and**

**(C) presents the proof of sale of the dog.**

**The purchaser may choose to accept an equivalent dog instead of a refund, at the sole discretion of the purchaser.**

**(b) The commercial dog breeder shall reimburse the purchaser of a dog returned under subsection (a) for reasonable veterinary bills for the diagnosis and treatment of the dog. The amount of reimbursement under this subsection may not exceed the original purchase price of the dog.**

**Sec. 8. A commercial dog breeder may not do any of the following:**

**(1) Maintain at a single address or location more than thirty (30) dogs that are at least one (1) year of age and that have not been spayed or neutered.**

**(2) Breed a female dog unless the dog:**

**(A) has a current annual certification from a licensed veterinarian that the dog is in suitable health for breeding;**

**(B) is at least eighteen (18) months of age; and**

**(C) is less than eight (8) years of age.**

**(3) Permit a female dog to whelp more than one (1) litter per year.**

**Chapter 5. Records**

**Sec. 1. A commercial dog breeder shall provide a consumer with:**

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- (1) a copy of a dog's vaccination, medication, and treatment records; and
  - (2) a notice of the fifteen (15) day warranty;
- at the time a consumer purchases, exchanges, or adopts the dog.

Sec. 2. A commercial dog breeder shall maintain its records for at least five (5) years.

#### Chapter 6. Units

Sec. 1. (a) As used in this section, "unit" has the meaning set forth in IC 36-1-2-23.

(b) A unit may adopt an ordinance concerning regulation of commercial dog breeders that imposes more stringent or detailed requirements than the requirements under this article.

(c) A unit may not enforce an ordinance concerning the regulation of commercial dog breeders that contains requirements less stringent or detailed than the requirements under this article.

#### Chapter 7. Pet Dealers

Sec. 1. A pet dealer must maintain a log containing the:

- (1) name;
- (2) address;
- (3) city; and
- (4) state;

of the breeder and broker, if applicable, that provided each puppy sold by the pet dealer. The pet dealer must retain the log for at least two (2) years.

Sec. 2. A pet dealer must maintain veterinary records of every animal sold by the pet dealer. The pet dealer must retain the veterinary records of every animal sold or offered for sale by the pet dealer for at least two (2) years.

Sec. 3. A pet dealer shall make the breeder log described in section 1 of this chapter available to law enforcement officials.

Sec. 4. A pet dealer shall make the veterinary records described in section 2 of this chapter available to purchasers or prospective purchasers."

Page 4, line 27, delete "mistreatment" and insert "**cruelty**".

Page 4, line 32, reset in roman "**cruelty**".

Page 4, line 32, delete "mistreatment".

Page 4, delete lines 36 through 40.

Page 11, line 9, after "period" insert "**in a manner that endangers the animal's life or health;**

**(C) tether an animal**".

Page 11, line 12, strike "or".

Page 11, between lines 13 and 14, begin a new line triple block

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indented and insert:

**"(iv) restrains the animal in a manner that physically harms the animal;"**.

Page 11, line 14, delete "(C)" and insert **"(D)"**.

Page 11, line 15, delete "." and insert **"; or"**.

Page 11, between lines 15 and 16, begin a new line double block indented and insert:

**"(E) leave an animal outside exposed to:**

**(i) excessive heat without providing the animal with a means of shade from the heat; or**

**(ii) excessive cold if the animal is not provided with straw or another means of protection from the cold;**

**regardless of whether the animal is restrained or kept in a kennel."**

Page 11, between lines 23 and 24, begin a new paragraph and insert:  
**"SECTION 10. IC 35-46-3-5, AS AMENDED BY P.L.2-2008, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in subsections (b) through (c), this chapter does not apply to the following:**

- (1) Fishing, hunting, trapping, or other conduct authorized under IC 14-22.
- (2) Conduct authorized under IC 15-20-2.
- (3) Veterinary practices authorized by standards adopted under IC 25-38.1-2-14.
- (4) Conduct authorized by a local ordinance.
- (5) Acceptable farm management practices.
- (6) Conduct authorized by IC 15-17-5, and rules adopted under IC 15-17-5 for state or federally inspected livestock slaughtering facilities.
- (7) A research facility registered with the United States Department of Agriculture under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- (8) Destruction of a vertebrate defined as a pest under IC 15-16-5-24.
- (9) Destruction of or injury to a fish.
- (10) Destruction of a vertebrate animal that is:
  - (A) endangering, harassing, or threatening livestock or a domestic animal; or
  - (B) destroying or damaging a person's property.
- (11) Destruction of an animal by an animal control program, including an animal control facility, an animal shelter, or a humane society.**

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(b) Section 1 of this chapter applies to conduct described in subsection (a).

(c) Destruction of an animal by electrocution is authorized under this section only if it is conducted by a person who is engaged in an acceptable farm management practice, by a research facility registered with the United States Department of Agriculture under the Animal Welfare Act, or for the animal disease diagnostic laboratory established under IC 21-46-3-1, a research facility licensed by the United States Department of Agriculture, a college, or a university.

SECTION 11. IC 35-46-3-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.4. (a) As used in this chapter, "domestic animal" means an animal that is not wild.**

**(b) The term is limited to:**

- (1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, emus, or other birds;**
- (2) an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, avian, camelid, cervidae, or bison species; or**
- (3) an aquatic animal that may be the subject of aquaculture (as defined in IC 15-11-7-1)."**

Page 11, delete line 42.

Delete page 12.

Page 13, delete lines 1 through 3, begin a new paragraph and insert:

"SECTION 14. IC 35-46-3-12.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 12.3. (a) A person who knowingly or intentionally kills a domestic animal without the consent of the owner of the domestic animal commits killing a domestic animal, a Class A misdemeanor.**

**(b) However, the offense described in subsection (a) is a Class D felony if the person knew or reasonably should have known that the domestic animal was located on real property that was owned by:**

- (1) the owner of the domestic animal; or**
- (2) a person who keeps domestic animals on the real property for the purpose of breeding, boarding, or training domestic animals.**

**(c) It is a defense that the accused person reasonably believed the conduct was necessary to prevent injury to the accused person or another person."**

Page 13, line 5, after "IC 35-46-3-7," insert "and".

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Page 13, line 5, delete "and IC 35-46-3-12,".  
Renummer all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1468 as introduced.)

PIERCE, Chair

Committee Vote: yeas 11, nays 1.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1468 be amended to read as follows:

Page 9, delete lines 12 through 17.

Page 9, line 18, delete "(6)" and insert "(5)".

Page 9, line 23, delete "(7)" and insert "(6)".

Page 10, delete lines 1 through 3.

Page 10, line 4, delete "(9)" and insert "(7)".

Page 10, delete lines 16 through 40.

(Reference is to HB 1468 as printed February 13, 2009.)

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